



**CITY OF KINGSTON PLANNING BOARD  
MEETING MINUTES  
January 9, 2017  
Common Council Chambers – 6:00 PM**

**NOTES:** (1) These meeting minutes are a summarization of notes and not an absolute transcript of dialogue. (2) All public hearings were conducted prior to the Planning Board discussions with the applicant(s) and any comment received is included within the written section of the minutes. (3) In the absence of full Planning Board Members, or in the case of a necessary recusal, the Planning Board Alternates will participate in the vote in order of seniority.

A meeting of the City of Kingston Planning Board was held on January 9, 2017 in the Common Council Chambers at Kingston City Hall, 420 Broadway, Kingston, New York. The meeting was called to order at 6:00 PM by Chairman Wayne Platte.

**BOARD/ALTERNATE MEMBERS PRESENT:** Wayne Platte, Chairman, John Dwyer Jr, Vice-Chairman, Charles Polacco, Robert Jacobsen, Jonathan Korn and William Tubby.

**BOARD/ALTERNATE MEMBERS ABSENT:** MaryJo Wiltshire, Jamie Mills.

**OTHERS PRESENT:** Suzanne Cahill, Planning Director; Kyla Haber, Assistant Planner; Ald. Lynn Eckert, Board Liaison.

**GENERAL NOTES:**

1. Pledge of Allegiance
2. Introduction of all Board Members and Staff Present
3. Identify exits, bathrooms, no elevator in case of emergency
4. Silence cell phones, conversations should be taken out of room
5. Respect speakers

**REGULAR BUSINESS:**

**Item #1:** Open Public Speaking (6:00P.M. – 6:15 P.M.)

Chairman Platte opened the open public speaking portion of the meeting noting that those in attendance the Planning Board will be setting a formal public hearing on the 300 Flatbush Avenue project for February 28, 2017, 6 PM, in Council Chambers. He also noted that RUPCO would be doing a short presentation later in the evening at the meeting to explain the project to the Board and the public and would have a more developed presentation for the public hearing.

Fred Heppner, 60 Tammany Street – Spoke about the 300 Flatbush Avenue proposal. He stated that he had worked for the City of Kingston as a sewer foreman and that he has firsthand knowledge of the sewer system on Flatbush Avenue. He said that there is only an 8 inch main

there and it has historically been an issue. There have been numerous floods in the basements along the street and there is no additional capacity.

Hillary Harvey, 26 Abeel Street – She told the Board that they will be receiving a zoning amendment referral from the Laws and Rules Committee to amend the code to allow for private parking lots in residential neighborhoods. She said that she had prepared a letter to the Historic Landmarks Preservation Commission on this matter and that the “Grow the RT Responsibly” group has concerns about the impact that this change would have on residential neighborhoods.

Deb Brown – Alderman 9th Ward – Requested by residents, Maria and Keith Phillips of Andrew Street, to read the following statement to the Board.

“We are against the RUPCO project at the former Alms House. We have been residents in the City of Kingston for 7 years now. My husband and I bought our home here, as this City was the closest place – at a 2.5 hour drive, 80 plus miles per day commute to his job – that we could afford. Everyone expects their taxes to go up a little each year, but what residents of the City of Kingston did NOT expect, was to be continuously shouldering the burden of low income housing. A majority of the residents here are not wealthy. There do you think we can get all this money from to pay for these housing projects? Maybe if there weren’t at least 4 other low income housing properties currently in Kingston, plus another slated to go in on Cedar Street, we would be a little more accepting of this request for the Alms House. How about showing consideration to the taxpayers here, and start getting businesses in that would contribute to the tax roll? Furthermore, why does the City of Kingston have to shoulder the burden of all the low income housing? We are not the only place available – there is plenty of space in other municipalities, if you just look. As it stands now, you are pushing the hard working men and women of this City to their breaking point and we can’t afford it anymore.”

Casandra Burke, 117 Rondout Drive – Spoke about the need for this type of housing in Kingston and the greater Ulster County.

“Some might say that there are more than enough shelters and other facilities for the homeless. However, I believe the numbers tell a different story. According to the Homeless Shelters and Homelessness in NY State report published by the Comptroller’s office in June of 2016, Ulster County serviced a total of 1178 people through a combination of emergency shelter, transitional housing and permanent housing services. This total is higher than the surrounding Dutchess and Orange counties, even though their number of homeless on any given night is higher. This suggests that there are a large number of families and individuals facing housing crises and financial instability. Indeed, with 60% of renters in Ulster County paying more than 30% of their income toward housing, this is not hard to fathom.

The vast majority of the homeless population in Ulster County suffer with mental health or substance abuse problems, and if they are to ever become stabilized and achieve self-sufficiency, they will need assistance in overcoming their obstacles. The Landmark Place project on Flatbush Avenue is prepared to offer these services along with permanent housing, and in addition to placing the former Alms House on the tax rolls for the first time in its long history. I encourage you to keep these things in mind when considering whether or not to approve this project.”

Hearing no other speakers, Chairman Platte closed the open public speaking portion of the meeting.

**Item #2:** Adoption of the December 12, 2016 Planning Board minutes.

**Discussion:** Chairman Platte asked the Board if they had a chance to review the minutes for the December 12, 2017 Planning Board meeting. The Board agreed that they reviewed the minutes and proposed no changes.

**Decision:** The Board voted unanimously to approve the minutes of the December 12, 2016 Planning Board Meeting. (WP, RJ, JD, CP, JK – yes)

### **PUBLIC HEARINGS:**

**Item #3:** #69 Spring Street SPECIAL PERMIT renewal for a 2-room bed and breakfast. SBL 56.42-7-14. SEQR Determination. Zone RT, Rondout West Historic District. Ward 8. Maribel Rodriguez; applicant/owner.

**Discussion:** No one spoke at the public hearing. Maribel Rodriguez was present at the meeting. The proposal is to renew a special permit for a 2-bedroom bed and breakfast, “Bells Inn”. The original permit was granted in February 2004 and has been renewed annually ever since.

A parking variance, granted in March 2004, is carried forward with the use of the property pending no changes.

The Board asked how the business has been operating. M. Rodriguez said that it could be better. She said that the Air B&B website has had a definite impact on her business. She said that there are over 3000 Air B&B's in Woodstock alone. R. Jacobsen asked if there are many in Kingston or surrounding areas. M. Rodriguez said that they are everywhere. The Board agreed that this is an issue. S. Cahill explained that this is something that is being discussed with the new zoning code updates.

Staff confirmed that there were no outstanding issues with the Building Safety Division or the Police Department.

A term for the special permit was discussed. The Zoning Ordinance stipulates that special permits for B&B's are subject to annual renewal. The Board agreed to the one year term.

A determination of environmental significance will need to be rendered. Because the project involves no changes and is purely an administrative act of renewal, it was categorized as a Type II action under SEQR, and therefore is predetermined to have no environmental impact and no SEQR review of the Board is required.

**Decision:** The Board voted unanimously to render the action a Type II under SEQR and to approve the special permit for 1 year, expiring on January 9, 2018, with all original conditions carried forward. (WP, CP, JD, RJ, JK – yes)

**Item #4:** #88-110 Rondout Landing SPECIAL PERMIT renewal for restaurant use. SEQR Determination. SBL 56.43-6-3 & 4. Zone RF-R, Heritage Area. Ward 8. Rondout Landing LLC/applicant; JKJ Properties, LLC/owner.

**Discussion:** No one spoke at the public hearing. David Amato was present at the meeting to represent the business. The proposal is for the renewal of the special permit to operate a restaurant in the RF-R zone. The original application was approved on March 8, 2004 with periodic renewals ranging from 6 months to 2 years. The most recent approval was in December 2014 for a period of 2 years.

The Board acknowledged that the restaurant had changed ownership since the previous permit and the building is now leased and operating under the name Ole Savannah. The building is still under the same ownership. W. Platte asked if both properties are included in the lease or if it is just the building. D. Amato said that the lease covers both the building and the vacant parcel and that it is a 20 year lease.

The Board asked about hours of operation. The applicant said that the hours are 11:30am-10pm this time of year. In the summer, they are open later.

The Board acknowledged that the police incident reports have been reduced significantly. D. Amato said that it is a result of cutting out the night club element that used to take place.

A term for the special permit was discussed. Previous terms ranged from 6 months to 2 years. The Board agreed to increase the term to 3 years with all original conditions carried forward.

A determination of environmental significance was discussed. Because the project involves no changes and is purely an administrative act of renewal, it can be categorized as a Type II action under SEQR, and therefore is predetermined to have no environmental impact and no SEQR review of the Board is required.

**Decision:** The Board voted unanimously to render the action a Type II under SEQR and to approve the special permit for a period of 3 years to expire on January 9, 2020 with all original conditions carried forward. (WP, JK, CP, RJ, JD – yes)

**Item #5:**      **#301 Wall Street** SPECIAL PERMIT to operate a 9 room hotel and ground floor restaurant. SBL 48.331-1-19. SEQR Determination. Zone C-2, Stockade Historic District, Ward 2. Hudson Valley Kingston Development LLC; applicant/owner.

**Discussion:** No one spoke at the public hearing. Scott Dutton, architect, was present to represent the owner. The application is to seek approval to establish a 9 room hotel with ground floor commercial space. The zoning code section 405-17 (C-2) lists hotels and motels as requiring a special permit.

S. Dutton said that the owner had looked at plans for the building that would create 9, 10, or 11 hotel rooms and that they ultimately settled on the 9 room configuration. This layout will create larger rooms, one of which will be 470sf.

Floor plans titled “Schematic Design” were submitted by Scott Dutton, Dutton Architecture PLLC, dated 9/29/16.

Ground floor – 1,940sf will be occupied by the restaurant/café or retail. The remaining square footage will be an entrance and lobby for the hotel. The elevator and new staircase will also be located in this area. Access to the hotel entrance will be off of John Street through a new doorway. The applicants have stated that the ground floor will likely be occupied by a restaurant which will serve the hotel as well as the public. The area is not large enough for a full scale commercial kitchen so the space will probably be used as a small scale eatery with light fare.

S. Dutton said that the owner has been in discussions with potential restaurant operators. The restaurant will be leased but the owner will have a hand in the operation because of the connection to the hotel. He said that the hotel will be operated in partnership with others but that the owner will be part of the management.

S. Dutton also said that the ground floor will be open between the hotel lobby and the café but that in order to meet building code requirements, they added a fire rated door that will shut automatically if a fire breaks out in the restaurant. This will also allow the restaurant to be closed off after hours.

2<sup>nd</sup> & 3<sup>rd</sup> Floors – Revised floor plans were submitted showing the 9 room configuration.

The Board asked how the hotel will be staffed. S. Dutton said that there will not be any staff on site 24/7 for the hotel portion of the building. Visitors will have arrangements to pick up key fobs which will access the building and the rooms.

Laundry and cleaning will be done on-site.

No logos or signage have been chosen at this time. Once selected the applicants will submitted the plans for design and location.

The Board asked about renovations. S. Dutton said that the renovations will likely take 6-7 months. First they will begin with selective demolition of the interior. The owner is looking at getting the building individually listed on the historic register and may be applying for historic tax credits. S. Dutton said that the NYS Historic Preservation Office will need to weigh in on the interior changes. The exterior will remain unchanged except for a doorway along John Street. The City of Kingston Historic Landmarks Preservation Commission approved the new doorway.

R. Jacobsen asked about staging during construction. S. Dutton said that they will likely need a dumpster to be placed on John Street for demolition and that they would work with the Department of Public Works to obtain a sidewalk permit. The Board stated that consideration for the bluestone walk should be made a firm condition.

S. Cahill asked about exhaust system and where it would be located. S. Dutton said that it will exist the building through the vaults in the rear up to the roof. It will not be visible from the street and should not cause issue with any of the guest rooms or neighbors.

Refuse & Recycling – How will refuse and recycling be handled? There are limits on the amount of garbage that can be put out for city pickup. A private hauler will be engaged to handle all waste from both the guest rooms and the restaurant.

W. Platte asked the Board if they would agree to the parking waiver. There is no parking on site and the building occupies the entire property. The calculation for hotels is “1 space per guest room plus 1 space per 600sf of space outside of guest rooms”, totaling 10 spaces. The ground floor would require 1 space per 300sf for commercial use (6.5 spaces), or 1 space per 3 seats/ or 100sf (19.4 spaces) whichever is greater for restaurant use. At this time, the number of seats has not been established so the Board will need to consider a waiver for  $10 + 19.4 = 29.4$  spaces. The Board agreed to the waiver based on the proximity to municipal lots and the fact that there is no ability to add parking on site for any use within the building.

Board Policies – #4&4a – Lighting Levels between 1-5 footcandles and corrections if necessary, #6 – signature on final plans, #7 – active approvals and conditions met within 1 year, #12 – emptying of dumpsters between regular business hours, #22 – carbon monoxide detectors, #23 – bluestone sidewalks protected.

The project is considered a Type I Action under SEQR due to the project location in the Nationally Designated Historic District. The Board adopted a resolution at the November 14, 2016 Planning Board meeting to seek Lead Agency. Information was circulated to all Involved and Interested agencies. The Board considered two resolutions: to declare Lead Agency in the SEQR review and to adopt a Negative Declaration of Environmental Significance. Part 2 of the Full Environmental Assessment Form did not identify any issues that would result in moderate to large impacts.

**Decision:** The Board voted unanimously to adopt 2 resolutions: 1) to declare themselves Lead Agency in the SEQR review; and 2) to adopt a Negative Declaration of Environmental Significance. The Board also voted unanimously to waive the off street parking requirement for the project and to approve the special permit for a period of 18 months to expire on June 9, 2018 with the following conditions: submission of final signage and lighting details to staff, submission of a staging plan and sidewalk permit to DPW for renovations/demolition, protection of bluestone sidewalks during construction, and installation of a Knox Box for emergency access by the Fire Department. (WP, JK, JD, CP, RJ – yes)

**Item #6:** **#105 Mary’s Avenue** SITE PLAN to construct a 110,000sf new building addition to the hospital. SBL 56.41-3-1.110. SEQR Determination. Zone O-2 & RRR. Ward 9. Health Alliance of the Hudson Valley; applicant/owner.

**Discussion:** No one spoke at the public hearing. David Scarpino, CEO Health Alliance, Joseph Marsicovete, COO Health Alliance, Dennis Larios, P.E. Brinnier and Larios, Deborah D’Adostino and Todd Klair, CBRE, and James Crespino, architect, Francis Cauffman Architects were present at the meeting.

The project involves consolidating the patient beds from the Broadway campus to the Mary’s Avenue campus. In order to accomplish this, a new building addition is proposed that includes a one story emergency department and a four story tower addition. The total building area

proposed is 110,000sf +/- and will be located in the vicinity of the physician parking lot and helipad area. At the completion of this project there will be 201 hospital beds and all inpatient health services are to be provided at this campus.

The Board joined the public in the Common Council Chambers. Dennis Larios, PE and David Scarpino, CEO introduced the project team and presented the site plan to the Board and the public. D. Larios explained that the addition will include a 1 story section over the existing parking lot and a 4 story section in the area of the existing helipad. Circulation patterns after construction will not change.

D. Larios said that the only change since the previous meeting was the increased area for ambulance drop off, the inclusion of the staging area, and the Emergency Department entrance. The ambulance drop off has been increased to accommodate more emergency vehicles that may be waiting or ambulances that are dropping patients off. The staging area will be in the existing parking lot nearest to the construction area. There will also be a contractor parking area designated in a lot along Webster Street.

D. Larios also said that it is likely that the employee shuttle will continue for the Mary's Avenue campus.

James Crespino, architect, presented the elevations plans and floor plans. He explained each of the uses occupying the floors of the building. Health Alliance currently operates 2,150-bed hospitals campuses. The new configuration will reduce the overall number of beds to 201. The quantities will be 40 behavioral health beds, 20 IP Rehab/IP Addiction treatment beds, 10 ICU beds, 10 PM&R beds, 7 Labor and Delivery beds, and 114 Med/Surgical beds.

The proposed work includes a new building addition on the south side of the campus. 110,000sf +/- with 4 levels of clinical spaces and 70,000 SF renovations to the existing hospital facility at this location.. The new building includes a new Emergency Department, Intensive Care Unit, two inpatient medical/surgical units, and a new main lobby with central registration, financial counseling, pre-surgical testing, admissions, gift shop and waiting area.

Renovations within the hospital consist of relocating and expanding the imaging department, relocated maternity and obstetrics, endoscopy, and relocated and expanded pre-op/post-op surgery and pharmacy programs. Spaces are also designated for future expansion including a future Cath Lab and a new cluster of spaces on the ICU floor.

W. Platte asked what the neighbors can expect with regard to construction. D. Larios said that the Ulster County Cerebral Palsy will stay open and operating as will the hospital. There are no residential neighbors on Webster Street. A staging plan was submitted showing construction entrances and parking areas. Staging and management of the project is crucial to keeping the hospital operating smoothly. W. Platte asked what the expected timeline will be. Representatives from CBRE said that they are anticipating 18 months.

This project is considered a Type I Action under SEQRA. The Board adopted a resolution to seek Lead Agency on October 17, 2016. Staff circulated the paperwork to all Involved and Interested Agencies on November 15, 2016. The required 30 day timeframe for comments or objections has

passed. Two resolutions have been prepared, the first for the Board to declare Lead Agency, the second for the Board to consider issuance of a Negative Declaration of Environmental Significance.

**Decision:** The Board voted unanimously to adopt a resolution declaring the Kingston Planning Board Lead Agency in the SEQR review. The Board also voted unanimously to render a Negative Declaration of Environmental Significance. (WP, RJ, CP, JD, JK – yes)

#### **OLD BUSINESS:**

**Item #7:**      **#211 O'Neil Street** REQUEST to install a 2nd curb cut. SEQR Determination. Zone R-2. Ward 6. Jesus Aquirre; applicant/owner.

**Discussion:** Jesus Aquirre was present at the meeting. He presented photos of the house and the area where he would like to add the curb cut to be. After the December meeting, further inspection confirmed that there was already a second curb cut on the site. J. Aquirre said that the curb cut that exists on Wiltwyck is not located in a good location. It is very close to the neighbor and he had already put in a patio and walkway that was not constructed to handle vehicles.

The Board asked if he would be willing to close up the existing curb cut and remove the existing driveway apron. J. Aquirre said that he would relocate the curb cut and remove what exists.

Staff had spoken with Joe Safford, the Zoning Enforcement Officer, about the request prior to the meeting. J. Safford has been to the property and has issued the opinion that the request meets the zoning code requirements for setbacks.

J. Aquirre showed a photo of the design that he wanted to do with the driveway pavers.

Staff asked why an additional driveway was needed. J. Aquirre said that it is because the house is a two family and he has tenants' cars in addition to his vehicles.

The project is considered a Type II action under SEQR.

**Decision:** The Board voted unanimously to render the action a Type II under SEQR and to approve the relocation of the second curb cut. The existing curb cut and driveway apron on Wiltwyck Avenue will need to be removed and replaced with curbing, bluestone sidewalk and grass. (WP, JK, JD, RJ, CP – yes)

**Item #8:**      **311 Wall Street** SITE PLAN to establish a multi station restaurant, market, and commercial kitchen. SBL 48.331-1-16. SEQR Determination. Zone C-2, Stockade Historic District. Ward 2. 311 Partners LLC.

**Discussion:** S. Cahill explained that the 30 timeframe for SEQR responses has not passed yet and therefore the Board cannot make any decisions. She explained that she had spoken with the applicants and they were working with the NYS Historic Preservation Office on the Wall Street and Crown Street facades. S. Cahill asked the Board if they would consider a letter of support



for their architectural plans. R. Jacobsen acknowledged that this was discussed at the previous meeting with the applicants. The Board agreed to write a letter of support for the plans.

**Decision:** The Board voted unanimously to write a letter of support to NYSHPO on the exterior renovations to the building. (WP, JD, CP, RJ, JK – yes)

**Item #9:**      **#300 Flatbush Avenue** SITE PLAN/SPECIAL PERMIT to create 66 residential units. SEQR Determination. Zone RR. Ward 6. RUPCO, Inc./applicant; Ulster County Economic Development Alliance In./owner.

**Discussion:** Joseph Eriole, Chuck Snyder, and Guy Kempe from RUPCO, Scott Dutton, architect, and Dennis Larios, engineer, were present at the meeting.

The Board joined the public in the Common Council Chambers. The applicants presented to the audience. D. Larios explained the site plan. He said that they are evaluating the utilities on and off site. The storm water will be collected and treated on site. He also noted that one of the speakers during the open public speaking portion of the meeting mentioned the sewer capacity on Flatbush Avenue. D. Larios agreed that this would need to be looked at further but that there are ways to store wastewater on site and release it during off peak hours so that it does not exacerbate an issue. He will be working with the City Engineer and DPW on this issue. He also noted that this project was not very large in terms of discharge. There will be 66 rooms which generally equates to 66,000 gallons per day.

S. Dutton presented the basic floor plans to the Board. The new senior housing building will be 4 stories, approximately 40,000sf. There will be 11, 1-bedroom units on each of the upper 3 floors. The ground floor will be commercial space to support the uses within the buildings.

The site will be laid out with a series of pocket parking lots. Existing structures will be retained except for a newer addition that was added onto one of the sheds. There will be raised beds for the seniors to garden. S. Dutton said that he will be developing a 3D model with photo simulations.

The applicants also informed the Board that they will be planning an open house of the property and the building to allow for the public to see the property. W. Platte asked if RUPCO would consider adding the plans to their website as they are developed. G. Kempe said that they would add them.

The applicants discussed with staff whether they would be on the February meeting agenda. S. Cahill said that the Board would be setting a public hearing for February 28, 2017 at 6pm and that she felt that the item should not be on the February agenda. The applicants asked if they would be permitted to do a presentation on the 28th. S. Cahill said yes. S. Dutton also asked if the applicants could sit down with the Board at that meeting to get feedback on the project. S. Cahill agreed.

**Decision:** The Board voted unanimously to table the application and to schedule a public hearing for February 28, 2017 at 6pm at City Hall. (WP, RJ, CP, JD, JK – yes)